

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

UNITED STATES OF AMERICA,

Case No. 6:13-cr-00030-AA  
**ORDER AND OPINION**

v.

DANIAL CHASE KENNEDY,

Defendant,

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AIKEN, District Judge:

The Court previously heard oral argument on defendant Danial Kennedy's Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). ECF No. 68. The Court previously heard oral argument on this matter and granted the motion on the record reducing defendant's sentence to one of time served. ECF No. 80 Defendant was then released from BOP custody and began serving his term of supervised release. This order is entered to complete the record.

Based on the filings, oral argument, and after full consideration of the entire record and relevant factors statutory authority, the Court finds that extraordinary

and compelling reasons, based on defendant's underlying health conditions in the face of the pandemic conditions caused by the 2019 novel coronavirus at USP Tucson, warranted a reduction of defendant's sentence to time served. *See* U.S.S.G. § 1B1.13 comment. n.1(A). Indeed, the government did "not dispute that defendant has health conditions, namely Hepatitis C, which could place him at increased risk and could constitute extraordinary and compelling circumstances." ECF No. 74 at 1. Further, defendant has served a large portion of his original 180-month sentence, with a projected release of date February 21, 2022. Considering this and the rehabilitative work defendant undertook while in custody, the Court finds that the goals of sentencing also support release in this case. *See* 18 U.S.C. § 3553(a). Finally, in assessing defendant's testimony and his record while in custody, the Court finds that defendant will not pose a threat to the community under 18 U.S.C. § 3142(g)

Accordingly, defendant's motion for release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) (ECF No. 68) is GRANTED.

IT IS SO ORDERED.

Dated this 28th day of May, 2021.

/s/Ann Aiken  
Ann Aiken  
United States District Judge